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OFFICE OF PETITIONS

In Application of	:	
Brown	:	
Application No.: 10/625,320	:	ON PETITION
Filed: July 23, 2003	:	
Attorney Docket No.: 2037.2005-008	:	
For: METHOD AND APPARATUS FOR	:	
SEARCHING A FILTERING DATABASE	:	
WITHONE SEARCH OPERATION	:	

This is a decision on the petition under 37 CFR 1.181, filed October 30, 2006 (certificate of mailing date October 26, 2006), to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The Office contended that the above-identified application became abandoned for failure to submit reply to the non-final Office action, mailed June 16, 2005, which set an extendable three (3) month period for reply. No reply being received, the Office contended that this application became abandoned on September 17, 2005. A Notice of Abandonment was mailed on October 13, 2006.

Petitioner alleges that the June 16, 2005 non-final Office action was not received at the correspondence address of record.

The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.


2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.¹

Petitioner has proven nonreceipt. Practitioner has attested to a fruitless search of the file jacket and docket records. Practitioner has referenced a record where the non-received Office communication would have been entered had it been received. In addition, a review of the official application file reveals that the June 16, 2005 non-final Office action was returned to sender on June 22, 2005.

The petition is **granted**. The holding of abandonment is withdrawn and the Notice of Abandonment is **vacated**.

After the mailing of this decision, the application will be returned to Technology Center AU 2165 for the re-mailing of the June 16, 2005 non-final Office action with a new period for response.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
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Office of Petitions

¹ See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).